



THE CITY OF NEW YORK  
**LAW DEPARTMENT**

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November 7, 2017

Hon. Kiro A. Matsumoto  
United States District Judge  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

Re: Ashraf v. Laboratory Corporation of America Holdings, City of New York et al., 17 CV  
5956 (KAM)

Dear Judge Matsumoto:

This office represents the defendants in the above-referenced matter. We are writing to request an extension to December 29, 2017 of the November 10, 2017 deadline for defendants to respond to the complaint. This is the first such request of either party.

Defendants make this request because additional time is needed to review the complaint and discuss it with our clients; to consider whether to move to change venue on the ground that this matter is sufficiently related to two matters in the S.D.N.Y., i.e., Nnebe v. Daus, 06-cv-4991 (RJS) and Rothenberg v. Daus, No. 08-CV-00567 (SHS); and because counsel for defendants have numerous other deadlines into mid-December. In addition, counsel for defendants has had to take time off from work in recent weeks to attend to child care issues, family medical appointments, and other personal obligations, and has similar obligations in the near future. In consideration of these scheduling concerns and the upcoming Thanksgiving holiday, defendants request that the deadline to answer or otherwise respond to the complaint be extended to December 29, 2017.

Pursuant to the Court's Individual Rules, we discussed this request with plaintiff's counsel and with counsel for co-defendant Laboratory Corporation of America. Co-defendant's counsel consented. Plaintiff's counsel ultimately stated as follows via email in response to our request for an extension: "Plaintiffs' counsel objects to the request on the ground that defendants refused to give any information, despite his request, about why an extension was necessary. Nevertheless, plaintiffs' would, solely as a courtesy, consent to a 20 day extension of the time to answer or respond to the Complaint."

This time period is somewhat useful but nevertheless insufficient due to several professional deadlines in November and December as well as upcoming holidays and personal obligations. Thus we are requesting that the deadline be extended to December 29, 2017.

Respectfully,

/s/

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Dan Ackman, Counsel for plaintiff (via email)